IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 969 OF 2005

WITH

NOTICE OF MOTION NO. 203 OF 2005

Sharad D. Khadepau & Anr. .. Petitioners

V/s

Dena Bank & Ors. .. Respondents

Mr.Umesh Shetty with Mr.Kamal Katha i/b Motiwala & Co. for the Petitioners.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 15TH APRIL 2005

P.C. :

1. Heard Mr.Shetty in support of this petition.

2. The Petition is by heirs of original Defendant No.2 who were sought to be brought on record rather belated. That application was allowed by the D.R.T. by its order passed on 3rd December 2003 by awarding cost of Rs.5,000/-. Appeal therefrom is dismissed by the D.R.A.T. It is this order which is under challenge in the present petition.

3. Mr.Shetty tried to submit that the delay has not been explained while applying for bringing the heirs on record. The reason given is that this is in the

interest of public revenue. In our view, so long as the costs are paid to the Petitioners herein and since they are being given an opportunity to defend, there is no prejudice caused to them as such. We do not interfere in the matter. Petition is dismissed. Motion is also dismissed.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)